

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA :
 :
 -against- :
 :
 ALBERT MCDUFFIE, :
 :
 Defendant. :
 ----- X

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 03/26/2024

19-CR-212 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 12, 2022, Mr. McDuffie was sentenced principally to a term of imprisonment of ninety months,¹ *see* J., Dkt. 250;

WHEREAS on February 27, 2024, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 343, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on March 14, 2024, the United States Probation Department reported that Defendant is not eligible for a sentence reduction, *see* Probation Report, Dkt. 345; and

WHEREAS the Court has considered the record in this case.

IT IS HEREBY ORDERED that the motion is DENIED. The Court finds that the Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because he did not receive an enhancement for committing the instant offenses while under a criminal justice sentence — precluding him from the status points reduction — and he possessed firearms in

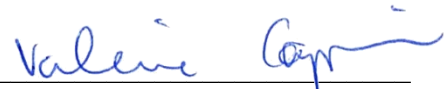
¹ On May 12, 2022, the Court issued an amended judgment that corrected a typographical error by including a reference to 21 U.S.C. § 841(b)(1)(B), the applicable penalty provision; the amended judgment did not change Mr. McDuffie’s term of imprisonment. Am. J., Dkt. 3223.

connection with the offense — precluding him from the zero-point offender reduction, *see* Probation Rep., Dkt. 345.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 287 and to mail a copy of this Order to Albert McDuffie, Reg. No. 86768-054, FCI Fort Dix, 5756 Hartford & Pointville Road, Joint Base MDL, NJ 08640, and to note the mailing on the docket.

SO ORDERED.

Dated: March 26, 2024
New York, NY



VALERIE CAPRONI
United States District Judge